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THE
TRIAL AT LARGE

OF

Sir MATTHEW WHITE RIDLEY, Bart.
M. P. FOR, AND ONE OF THE ALDERMEN OF NEWCASTLE
UPON TYNE,

FOR

CRIMINAL CONVERSATION
WITH THE WIFE OF

Mr WILLIAM BRUMWELL,
SURGEON, NEWCASTLE,

BEFORE

LORD KENYON,

At Guildhall, March 4th, 1793.

WITH THE

PLEADINGS OF COUNSEL AT FULL LENGTH
(Mr. ERSKINE for the Plaintiff, Mr. LAW for the Defendant.)

Taken in Short-hand by Mr. E. Baskin.
NEWCASTLE.

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(PRICE ONE SHILLING.)

1793

Wm. BRUMWELL, PLAINTIFF,

AGAINST

SIR M. W. RIDLEY, Bart. DEFENDANT.

(The Declaration stated by Mr. HOLROYD.)

Mr ERSKINE.

May it please your Lordship, and Gentlemen of the Jury.

I Am in this case, counsel for Mr. William Brumwell, who is a Surgeon and Apothecary, living at Newcastle upon Tyne.—The Defendant is a gentleman of large and independant fortune, in the neighbourhood of that town, and representative in Parliament of Newcastle.—Gentlemen, I am not instructed (if my inclination led me to go out of this cause, which it certainly does not) to make any observations upon, much less declaim against the Defendant, foreign to the matter which brings us here; on the contrary, if I pursued my own inclinations, and they are left perfectly free, I should say
in

Rec., Nov. 30, 1793.

in all other respects, he is most undoubtedly a gentleman of character and honor; he is married, and I think that next to my client, Lady Ridley is most to be lamented, I speak from my own personal knowledge of her, and can state her to be a lady of the most amiable and excellent disposition; it is therefore undoubtedly an unfortunate case, even as it affects him in that respect, but I have nothing to do here with those sufferings, however I may lament them.

Gentleman, the Plaintiff Mr Brumwell, has been married to his wife from eight to ten years, and has a child by her, a daughter.—I shall pursue the course in this cause, which I have pursued in many of this nature; and I am sorry to remark, my experience in them has been but too large. I say I shall pursue the course, I have constantly upon many occasions of this sort pursued, that is, to state what I expect my witnesses will prove, and not give any gloss or colour to the plaintiffs case, beyond what will come out from them.

Gentlemen, I understand the wife of the Plaintiff, was a very beautiful woman, and he married her when she was extremely young; whether from any levity that existed in her, or whether that slanderous envy which generally accompanies great beauty

beauty, was the cause of it, I know not; but certainly, for some time, a report prevailed to her prejudice at Newcastle; I state it, because I understand very respectable witnesses who feel as they ought to do, for the situation of the plaintiff, will willingly speak all they know, and will state that to be the fact; and gentlemen it is infinitely better I should state that to you, than that my learned friend should cast any prejudice upon the cause by saying, I did not open the whole of the case.—The circumstances are such as place Sir Matthew White Ridley in a situation, which entitles me to call upon him for great damages in this case.—It is extremely true Gentlemen, this unfortunate Lady, whether from her own conduct, and I don't mean to say her criminal conduct in the least extent, whether her own beauty had subjected her to such a report, or whether it prevailed in narrow circles, in consequence of some malignity which beautiful woman are but too frequently the objects of; be that as it may, it prevailed within the knowledge of my client.—I need hardly state to you how much a husband must feel upon such an occasion; all attempts were made to investigate the truth of those reports, but none of them were substantiated by proof, for I am instructed to state to you, and if I do not prove it, I will deliver up
my

my client to be treated with all that contempt and dishonor, which he and every man deserves, who is not properly jealous of the honor of his wife.—I state to you Gentlemen, he was a man incapable of winking at any transactions of that sort, or capable of putting her, as it were, into the hands of the adulterer, by any neglect of his own.

Gentleman, those reports blew over, and she recovered that place in the affections of her husband, which she had before lost.—A few more years passed over their heads; he was living happily and comfortably with his wife, till his peace was broke in upon and ruined for ever by the Defendant:—as these cases are certainly not brought here for public example, but for the reparation of private injury, I don't mean to insist upon the situation the Defendant was in; the attention he owed to the Borough, of which he was Chief Magistrate at the time, and the protection he owed to the plaintiff.—I mean merely to state the situation of an injured husband, and I think that sufficiently great without praying any other aid.—I might remark that he being the husband of an amiable woman,—his being the father of children by her,—his being the chief magistrate of that place, and representative in Parliament, ought to have considered how much he degraded all those situations by
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descending to commit that crime which you are now investigating here.

Gentlemen, I understand the defendant comes with a double sort of case, for it very seldom happens, that an action comes the length of having an issue joined; but what is to be contended by the defendant is pretty generally known.—I understand we are first to have the fact of the adultery resisted, and he means to represent himself wholly innocent.—If he has any such defence, we shall hear by what evidence it is to be made out; I will establish the adultery, and I shall certainly not travel into the proof by which it is to be established.—If he should fail in that, as unquestionably he will, he then is to come with his second sort of defence, which is the constant shield of all adulterers held up before you; they do not give themselves the trouble to enquire how far a woman is assailable before the appetite commences; and when they are discovered, and the husband's peace is ruined, then they are to hunt out whether this lady has in any one part of her life, behaved so as to give the least suspicion, in order that they may endeavour to lessen the damage which the husband has sustained, and to see how it may be broke in upon, by tracing his conduct through every part of his domestic life

life.—In one respect, if there is no conspiracy against a man, I think it is a wholesome species of defence, if it can be shewn in a court of justice, that instead of treating his wife with regard, and instead of protecting and cherishing her, as he ought to do, he is careless as to her conduct, and permits her to misbehave herself, and most of all, if in the particular instance, he has in a manner, delivered over his wife into the hands of the defendant, he cannot be driven out of court with too much shame.

—Gentlemen, that is not the case here, to be sure this woman's conduct had been the subject of her husband's suspicions, but they were proved to be groundless. If she had amended her conduct, if she had become more and more affectionate to her husband, if he had got rid of those suspicions, if she was the mother of his child, and his affectionate wife, in every part of her conduct, and he is to be broken in upon, and to be made a sort of figure for the hand of scorn to point at, (for he certainly is, without your verdict, the subject if not of reproach, at all events of contempt.) I say, who is he to call upon for reparation but Sir Matthew Ridley?—Her infidelity cannot be laid to the charge of her husband, he has watched her not with jealousy, but protected her with that sort of conduct,

which

which a husband should prudently exercise over his wife.—And Gentlemen, I cannot conceive for myself a more cruel situation, than that in which the plaintiff is put.

Gentlemen, I content myself with this sort of opening, which I think more likely to serve my client, and what I understand to be the case.—It will be proved to you, the plaintiff was a man affectionate to his wife, that upon an alarming occasion, he had been curious and attentive to discover whether his wife had been trifling with him, and that no proof at all occurred to confirm his suspicions, and he continued to cherish his wife, that she had recovered the confidence of her husband, when Sir Matthew White Ridley, then mayor of the town, and who had given the plaintiff a place which put him nearer his person, took advantage of that relation, to perpetrate that act, for which he is now brought before you to make satisfaction.—I shall make no further observations upon the case; the defendant's eminence and great fortune are extremely well known; I have forborne, having long had the honor of a personal acquaintance with him, to say any more, I have confined myself to the cause before you, sensible, if I was in your place, I should be able to discharge my duty to the utmost extent of the law, upon such evidence as I shall lay before you.

Mr

Mr ——— Sworn.

Mr GARROW.—Q. Have you got a copy of the register of the marriage of Mr and Mrs Brumwell?

A. Yes, Sir.

(The register produced.)

Q. Do you know they lived together after the marriage in a becoming way as man and wife?

A. Yes, Sir.

Mr LAW.—Q. What church did this come from?

A. The parish church of Wisbich.

Q. You made this copy of the register yourself, I understand?

A. No, Sir, I did not, I examined it with the clergyman?

Q. Do you know what age the lady was?

A. She was under age.

Mrs SUSANNAH WILKINSON *sworn.*

Mr HOLROYD.—Q. You know the plaintiff Mr Brumwell?

A. Yes, Sir,

Q. He married your daughter?

A. Yes, Sir.

Q. Susannah Wilkinson?

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A. Yes,

A. Yes, Sir.

Q. Were you present at the marriage?

A. I was.

Q. Was the licence obtained by consent?

A. It was. Her father was not at home, he gave his consent by letter.

Q. Do you know what is become of that letter?

A. It was destroyed, I thought it of no consequence.

Q. Did it authorise you to testify his approbation?

A. Yes, Sir.

Q. In consequence of that, the licence was obtained?

A. Yes, Sir.

CROSS EXAMINATION.

Mr CHAMBRE.—Q. Who wrote that letter?

A. Her father.

Q. Who was it addressed to?

A. To me.

Q. How long is it since it was destroyed?

A. About—

Q. Was you present when it was destroyed?

A. No, Sir.

Q. Then you dont know it was destroyed? Do you know it is destroyed?

A. Yes, it is destroyed.

Q. Then

Q. Then you and your husband knew of Mr Brumwell paying his addressee to your daughter?

A. Yes, Sir.

Q. You don't know in what manner it was destroyed?

A. No, Sir.

Q. What search have you made for it?

LORD KENYON, *Mr Chambre*, if it existed, I don't think it ought to operate at all in such a case as this.

MR CHAMBRE.—Q. Where is your daughter now?

A. She is with a friend of mine.

Q. She is not at Newcastle?

A. No, Sir.

Q. She has not been with her husband, has she?

A. No, Sir.

Q. When was it she made a visit to you?

A. In the month of August.

Q. Has she been separated from her husband ever since that time.

A. Ever since.

Q. Do you know if there has been any correspondence by letter?

A. None that I know of,

Mr WILSON sworn.

Mr ERSKINE.—Q. You live at Newcastle?

A. Yes, Sir.

Q. How long have you lived there?

A. The greater part of my life. I am in trade there.

Q. Do you know the plaintiff?

A. Yes, Sir.

Q. How long?

A. Five, six, or seven years.

Q. Do you live near him at Newcastle?

A. Yes, Sir.

Q. Was you much acquainted with him?

A. Very intimately.

Q. You are a married man?

A. Yes, Sir.

Q. And have children, perhaps?

A. Yes, Sir.

Q. Did your wife visit Mr and Mrs Brumwell?

A. Yes, Sir.

Q. Was you in the course of visiting them as acquaintances?

A. Frequently.

Q. You lived very near them you say?

A. Within 8 or 10 doors.

Q. They visited you, I suppose?

A. Yes, Sir.

Q. In consequence of that intimacy, had you

you an opportunity of knowing how he behaved to his wife?

A. Yes, Sir.

Q. Did they appear to you to live happily and comfortably?

A. Yes, Sir, generally of late.

Q. They have a daughter, I believe?

A. Yes, Sir.

Q. What age is she?

A. 7, 8, or 9,—under 10, I dare say.

Q. This daughter was born in this wedlock, I believe?

A. Yes, Sir.

Q. And lived with her father and mother?

A. Yes, Sir.

Q. They appeared to live happily you said of late?

A. Yes, Sir.

Q. Will you be so good to state, whether you made any enquiries with her husband, and what?

A. Some years ago, reports very much to Mrs Brumwell's prejudice, had been circulated, and Mr Brumwell thought it prudent

Q. You are speaking of your own knowledge?

A. Yes, Sir.

Q. State whether you know those reports reached the ears of Mr Brumwell?

A. Yes, they did.

Q. At

Q. At that time did you live in that sort of intimacy with him you do now?

A. Yes, Sir.

Q. Then you know that?

A. Yes, Sir.

Q. Do you know whether he took any pains to investigate the truth of that?

A. Yes, he did.

Q. Do you know, Sir, not from what he said, but of your own knowledge, whether those reports appeared to affect his comfort?

A. Yes, Sir, very much,—extremely so.

Q. You know he was active to endeavour to discover whether those reports were true?

A. Yes, Sir, I was present with him frequently, and made every enquiry possible.

Q. You accompanied him?

A. Yes, Sir.

Q. In consequence of that did you get any satisfaction of the truth of those reports?

A. None.

Q. You say you accompanied him in his enquiries, consequently what information he had, you had?

A. Yes, Sir.

Q. I wish to know whether you got such satisfaction upon the subject as would have been a reasonable suspicion to have turned her away?

A. No Sir, it never appeared so to me.

Q. You

Q. You accompanied Mr Brumwell, and having all the means of information he had, and knowing all the facts, you saw nothing in the case that would justify any husband to consider her as having been unfaithful?

A. No, Sir, I could not see any thing?

Q. In consequence of that, did Mr Brumwell's domestic comfort seem to increase?

A. Yes, Sir.

Q. It was interrupted by those reports till it was cleared up?

A. Yes, Sir.

Q. When he thought he had reason to be convinced those reports were false, his comfort appeared to be in a degree restored?

A. Yes, Sir.

Q. He seemed after that to live in perfect confidence with his wife?

A. Yes, Sir.

Q. Did she appear to return his regard and affection?

A. Yes, Sir.

Q. Did you observe any thing to make you think otherwise?

A. No, Sir.

Q. Did they appear to be fond of the child?

A. Yes, Sir, extremely so.

Q. Did he appear to be living in domestic comfort with his wife?

A. He did, and appeared to be a good husband.

Q. Was

Q. Was he attentive and indulgent?

A. Very attentive, I have seen repeated instances.

CROSS EXAMINATION.

Mr LAW.—Q. You have had a little difference with Sir Matthew, have you not?

A. No, Sir.

Q. None at all?

A. None at all.

Q. But you are now upon as good terms as ever?

A. Yes, Sir.

Q. Did you not make some application to Sir Matthew to be employed for him?

A. Yes, Sir, as his agent, by letter I applied.

Q. How long ago is it you met with a refusal?

A. It was during his mayorality, I don't know the month, about June, July, August, or September.

Q. You was in a situation of expecting you would have been appointed, I believe?

A. I flattered myself I should have been?

Q. And you was a good deal disappointed?

A. No, I was not.

Q. Now at what period of time (and you will be as correct as you can) was it at which

which those enquiries were made respecting those reports that prevailed of Mrs Brumwell?

A. If you will let me look at a memorandum in my own writing.

Q. Did you make it at the time?

A. It is a little loose memorandum that I made from that at home.

Q. Being employed by the husband to investigate the character of the wife, and thinking you should hear more of it hereafter, you made a minute?

A. I had no such idea, it was merely for my own curiosity.

Q. How was your curiosity to be gratified by making a minute?—You remember the trial of Mr Lisle for breaking Mr Brumwell's windows?

A. Yes, Sir.

Q. Now, was he not supposed by the husband to be assailing the virtue of this lady?

A. Not that I know of.

Q. There was a pretty prevalent opinion that that gentleman was very familiar, indeed, with her, was there not?

A. There was such a report.

Q. Why did you doubt that Lisle had the most familiar acquaintance with that lady?

A. It was said so.

Q. Who did you enquire of concerning those reports?

A. Num-

A. Numbers of people.

Q. Did you go to Mr Lisle himself?

A. No, Sir.

Q. Where did he live?

A. He lived in the shop adjoining Mr Brumwell.

Q. They had the same leads, and there was a communication, was there not?

A. I believe there was.

Q. And an access by a trap door?

A. Not without forcing.

Q. When was the period of time you made these enquiries?

A. About the time of the indictment of Lisle.

Q. What was Mr Lisle indicted for?

A. For breaking Mr Brumwell's windows in the night time.

Q. When was that?

A. In the year 1789, I believe, Sir.

Q. Was you there when Mr Brumwell bled Mr Lisle?

A. No, Sir.

Q. Dont you know that Brumwell having found Lisle in his parlour with his wife, that Lisle made an excuse that he had a dizziness in his head, and was come to be bled?

A. No, Sir.

Q. You dont know that?

A. No, Sir.

Q. This

Q. This was about 1789, you say?

A. Yes, Sir.

Q. Is that the minute you made at the time?

A. No, Sir.

Q. Now, how came you not to bring the original, but to bring a copy?

A. The original was a mere little jumble of occurrences.

Q. What did it contain?

A. I frequently make a little memorandum of what occurs, and that is only, that Mr Lisle was tried.

Q. Then you only made a minute that Mr Lisle was indicted for breaking the windows, and found guilty?

A. Yes, Sir.

Q. That was in 1789?

A. Yes, Sir, August, 1789.

Q. Did you know a brother Mr Brumwell had?

A. Yes, Sir.

Q. In what situation was he?

A. He had originally been a sailor, and was afterwards Mr Brumwell's partner as a druggist.

Q. Was you there when he disappeared?

A. No, Sir, I had a very slight acquaintance with him at that time.

Q. Do you recollect her going away, and

a rumor about her brother and her going away?

A. I know the time of her going away—

Q. Then you did hear she had gone away?

A. Yes, Sir.

Q. Did Brumwell tell you that?

A. Yes, he did.

Q. Where did she go to?

A. To Durham.

Q. Brumwell told you so?

A. Yes, Sir.

Q. Do you know whether a Dr Young did not pay her some particular attention, and assisted her in going off?

A. No Sir, I never did hear it, it was said her Brother did.

Q. Did Brumwell say so?

A. He said he had been told so, but he was convinced his brother did not go with her.

Q. Nor assist her to go off?

A. Mr Brumwell has been told he did, but not till within these twelve months.

Q. What is the period of time when he acquired that knowledge?

A. I cannot say precisely; Mr Brumwell has repeatedly told me the circumstance of her going off, and that reports had been, that her brother had been connected with her.

Q. How long ago is that of her brother having been connected with her?

A. About

A. About the year 1787 or 1788, I dont know exactly.

Q. In 1790 you enquired, and was satisfied these reports were without foundation. What enquiry did you make to satisfy yourself about the brother?

A. I only know what Mr Brumwell told me about that.

Q. Did you ask any of the servants about it?

A. I told you I was not so intimate at that time as after.

Q. Now I ask you, having heard about the brother, did you enquire any thing about him?

A. No, Sir.

Q. You enquired about Lisle's affair?

A. Yes, Sir.

Q. Now, Sir, of whom did you enquire respecting Mr Lisle?

A. Of the servants and acquaintance, if they ever had seen him at or near the house,

Q. Did you enquire of the maid?

A. I did.

Q. Will you mention the name?

A. Jane Armstrong; there is an acquaintance, who is since dead, of the name of Gallolay.

Q. Did you ask any body who lived in the house with Lisle?

A. No Sir, I never did.

Q. Do

Q. Do you know the time he left Newcastle?

A. No, Sir.

Q. Do you know a woman of the name of Douglas, who had been a servant?

A. I dont know her; I heard Mr Brumwell say—

Q. I dont ask what he said. Do you know when it was resolved, on the part of Mr Brumwell, to bring this action?

A. About the beginning of last October.

Q. What time was it you were refused this office.

A. About two months before.

Q. Was it months, you are sure?

A. I will not say, Sir?

Q. Tell us now?

A. I cannot—I believe it was about August.

Q. How soon after the elopement did Mr Brumwell's brother go away?

A. I only know from Mr Brumwell telling me.

Mr ERSKINE.—Q. You say the report concerning Mr Brumwell's brother had reached his ears, and had given him pain?

A. Yes, Sir.

Q. Did you collect from Mr Brumwell that he believed or suspected his brother had been guilty of incest?

A. No,

A. No, Sir.

Q. You have been asked what Mr Brumwell said to you concerning the suspected intercourse of his brother. I ask you, did he, upon that occasion, give you to understand, he believed his brother was guilty and his wife criminal?

A. No, Sir, he did not.

Mr LAW.—What did he say?

Mr ERSKINE.—What did he say in that conversation in regard to that point?

A. He said he never could find any thing that amounted to demonstration he had been guilty, or words to that effect.

Q. Did he believe it?

A. No, Sir, I believe not.

Q. Then all I can ask you is, what, upon the whole, you collected from the conversation; did you collect from the conversation that he believed it, or did not believe it?

A. That he did not.

LD KENYON.—Q. He said he could not find any thing to prove to demonstration they were guilty, are they his own words, or the sense of what he said?

A. That is the sense, and I believe pretty near his own words.

Mr

Mr ERSKINE.—Q. You saw him at other times upon the subject?

A. Frequently, Sir, I saw him daily.

Q. You talked about a memorandum—you did not make a memorandum of all the enquiries you made after Mr Lisle?

A. No, Sir.

Q. You took a memorandum of what he was found guilty?

A. Yes, Sir.

Q. And you make a practice of keeping a sort of journal as to particular circumstances?

A. Yes, Sir.

Q. And that found its way into your journal?

A. Yes, Sir.

Q. As to time only?

A. No, Sir.

Q. You did not go to Mr Lisle, to ask him whether he had been familiar with Mrs Brumwell?

A. No, Sir.

Q. But you made all reasonable and decent enquiries?

A. Yes, Sir.

Q. And you did not find satisfaction upon the subject?

No, Sir.

Q. And you say you did not find such satisfaction

tisfaction as you would have acted upon, by turning your wife away?

A. No, Sir.

Q. And that subsequent to that time, Mr Brumwell's happiness seemed to increase?

A. Yes, Sir.

Mr LAW—Q. Do you mean moral proof, or mathematical proof, when you say it did not amount to demonstration of proof?

Mr ERSKINE.—Q. Do you remember the words of the conversation, so as to be certain of them?

A. Not exactly, Sir.

ELEANOR SWINNEY *sworn.*

Mr GARROW.—Q. Do not alarm or distress yourself at all, nobody will say any thing improper to you.—Was you a servant in the family of Mr Brumwell, at Newcastle?

A. Yes, Sir.

Q. From what time to what time?

A. I was three years with Mr Brumwell, a fortnight before Christmas.

Q. Was it in the year 1791 or 1792?

A. 1792.

Q. Do you mean 1792, or more than a twelve months ago?

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A. I mean the year 1792, that is more than a twelvemonth ago.

Q. You mean the Christmas before last?

A. Yes Sir, that is 1792.

Q. This is 1793, and the Christmas before last must be 1791, you know?

A. No, it is 1792; a fortnight before Christmas, I saw Sir Matthew Ridley, my Mistress went down into the shop.

Q. What did he do?

A. He was going past and saw her in the shop, he came in, and went up into the kitchen with her.

Q. Where is the kitchen?

A. There is a door belonging to the house, and a door belonging to the shop, a great many people come through the shop.

Q. Where is the kitchen?

A. It is up two pair of stairs.

Q. Did he come thro' the shop?

A. Yes, Sir.

Q. What time of day was it?

A. About three o'clock in the afternoon.

Q. What passed then?

A. My mistress desired Sir Matthew to go into the parlour to my master.

Q. Where is the parlour?

A. Nearly upon the same level with the kitchen door.

Q. What happened then?

A. Sir Matthew said he did not want my
Master

Master, he then offered my mistress to go to the play any night she should chuse.

Q. What passed more?

A. My mistress took the tickets, and she gave them him again?

Q. She gave them him again?

A. Yes, Sir; and said my master would not be pleased, and desired him to take them again; then I saw him take her handkerchief past to kiss her neck or her breasts, I cannot say which.

Q. Where was that?

A. Upon the stairs three steps below the kitchen door.

Q. When did you see Sir Matthew again?

A. I saw him the week before new year's day, my master and him was together with my mistress in the shop.

Q. Did you see him again upon the last day of the year, upon the Saturday?

A. I did not see him till new year's day.

Q. What passed upon the new year's day?

A. My mistress went to the play the Friday before new year's day, and when she came home at night, she desired me to go to my mother's day.

Q. Where was your mother's?

A. On the new year's day I was to go to my mother's.

Q. What distance is that?

A. Three miles.

Q. Did you go upon the Sunday?

A. No, Sir, I did not; my mistress seemed very unhappy all the Saturday, she cried very sore all the Saturday, I thought she was not well, and I asked her what was the matter.

Q. Had you said any thing to her about what you had seen the former time?

A. No, Sir.

Q. She cried sorely and you spoke to her?

A. Yes, Sir; and she said nothing particular was the matter, that I might go out upon the Sunday and she would do the work of the house.

Q. Did you go?

A. No, Sir; it was a very wet day.

Q. In the course of that day did you see any thing of Sir Matthew?

A. No, Sir, not till night.

Q. What time of night?

A. My master drank tea out, and it was six o'clock when my mistress drank tea in parlour.

Q. Was she alone?

A. Yes, Sir; about seven o'clock or a little before seven, I will not be sure which, I heard a rap at the door, and I looked out of the window, and saw Sir Matthew Ridley in a brown coat, and a round hat flouched down.

Q. What sort of a coat was it?

A. I

A. I cannot say, it was a dark brown coat, it was a wide coat, not a stright coat.

Q. A large coat?

A. Yes, Sir, a horseman's coat buttoned about him.

Q. He was the person that had rapped at the door?

A. Yes, Sir; I looked out at the window, and my mistress was standing behind the door, and opened it for him.

Q. That was the house door?

A. Yes, Sir.

Q. You saw your mistress open the door?

A. Yes, Sir.

Q. Did he come in?

A. Yes, Sir, he came in and spoke a few words to her, but I cannot say what; then Sir Matthew went out again, and my mistress went down into the shop and asked where my master was.

Q. Who did she enquire of?

A. Of George ———, he said he was up at Mr Wright's he believed at tea.

Q. What passed then, did you see any thing more of Sir Matthew?

Q. Yes, Sir, my mistress came up stairs again, and returned down again; there is a public house opposite. and Sir Matthew was standing between our door and the public house, he then came in and my mistress and he went up stairs.

Q. That

Q. That was thro' the house door?

A. Yes, Sir.

Q. Where did they go to?

A. I was in the kitchen, Sir, and when I saw them come in, I went down stairs.

Q. Where were they standing?

A. Behind the house door.—I asked George what my mistress had been doing in the shop, he said, asking for my master, I went up stairs again, the house door was standing open; I looked into the kitchen, and I looked into the parlour, and she was not there.

Q. Where did you go to then?

A. I then went up stairs, six steps from the parlour door.

Q. What did you see there?

A. I then saw Sir Matthew and Mrs Brumwell.

Q. Did you hear any thing before you saw them?

A. No, Sir; I saw Sir Matthew in the most indecent manner, I cannot mention it, but you must judge.

Q. Do you mean they were in an indecent act?

A. Yes, Sir.

Q. No body here wishes to ask any improper questions, nor would it be suffered if they did, but we must understand you.

Do

Do you mean they were connected as man and woman are ?

A. If ever man had connection with his wife, Sir Matthew had with my mistress, on new year's day, at night.

Q. Where was that transaction ?

A. Six steps from the parlour door, upon the landing place.

Q. In the first place, are you perfectly certain it was Sir Matthew in that situation ?

A. I am positive, I saw Sir Matthew four times that night.

Q. Was he in his usual habit, or was there any attempt to disguise him ?

A. He had his coat buttoned about him, it was a very wet night, and it might be from the rain.

Q. After you had seen this transaction, where did you go ?

A. I don't know where I got to, my mistress was standing upon the stairs.

Q. How soon after that did you see Sir Matthew pass down stairs.

A. It might be a quarter of an hour—my mistress set him out.

Q. Did you see him pass down stairs, and your mistress light him out ?

A. No, Sir, she did not light him out, she set him out.

Q. She conducted him out ?

A. Yes, Sir.

Q. How

Q. How soon after Sir Matthew had left the house, did you see your mistress?

A. I seed her as soon as Sir Matthew went, I then told her she had had him in, for I had seen him four or five times.

Q. What condition did she appear to be in, as to drefs.

A. Indeed, Sir, I did not mind her drefs.

Q. What opportunity have you had of becoming acquainted with Sir Matthew's person—have you seen him often?

A. I have seen him several times.

Q. He was the Mayor at that time, I believe?

A. Yes, he was.—The Exchange was almost opposite to my master's house, and I have seen him there.

Q. Did you at any other time after this, watch your mistress and Sir Matthew, and did you ever see him?

A. Whether it was Tuesday or Wednesday I cannot say, we had company, he was standing at the Exchange, and he took out his handkerchief, and put it up to his face to my mistress, and I told her if she suffered Sir Matthew to go on so, I must get another place; what he wanted I dont know, or what he meant I dont know, I thought he wanted my mistress to go to him.

Q. You told her you must leave her if she suffered Sir Matthew to go on so?

A. Yes,

A. Yes, Sir, and she then told me she could not help people looking at her.

Q. Did you in consequence of the conversation you had, say any thing to Sir Matthew?

A. Upon the Sunday after new years day, he came about 7 o'clock, my master had gone out in the country, he was then gone to see his mother in the country: my mistress desired me to go out and take the child with me, for she had got the head-ach and was going to lay down.

Q. Was that before he came?

A. Yes, Sir.

Q. How long?

A. I cannot say, it was between 6 and 7 o'clock, and I think he came about 7.

Q. Did you go out with the child?

A. I did, I staid about three quarters of an hour, and when I came home my mistress met me in the shop and she told me I was to go to a young lady round the close, and was to let her know she would take a walk with her; I told her I thought it was queer for her to talk of walking at that time of night, as she was not used to do it, and I thought she was not well.—I told her if I must go, I must get a candle to light me it was so dark,—she would not let me go into the parlour to get a candle, but she went in herself and shut the door, and fetched a candle out.

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Q. Had

Q. Had you been used to go into the parlour for candles ?

A. Yes, Sir,—she lighted the candle in the kitchen, and I told her she looked very poorly, and had better not go out, she said she was not very well, and a walk would do her good ; she gave me the candle and I then went out of the shop and went a few yards from the house, and then came back again to light my candle.

Q. Then you intended to return ?

A. My candle went out and I came back for a light, I was going up the stair case from the shop door, and my mistress was setting Sir Matthew out of the house door.

Q. Are you sure it was Sir Matthew she was setting out ?

A. Yes, Sir.

Q. Did she say any thing ?

A. She said, you must not go along the close Sir Matthew, if you do you will meet her coming along.

Q. Repeat that again ?

A. My mistress said to Sir Matthew, you must not go along the close Sir Matthew, if you do you will meet her coming along.

Q. Your way lay along the close ?

A. Yes, Sir.

Q. And his way lay along the close to his Mansion-house ?

A. Yes, Sir.

A. If

Q. If instead of returning to light your candle, you had gone to the young ladies, how long should you have been absent?

A. I was not absent 5 minutes, I should not have seen him if I had gone all the way.

Q. Instead of not seeing him you returned just in the nick of time to hear this?

A. Yes, Sir.

Q. Did you say any thing to Sir Matthew?

A. Yes, Sir, I went down the shop and told him he was a blackguard, and I should let my master know.

Q. You went out at the shop door towards this young ladies, but returned and met him going towards his Mansion-house?

A. Yes, and I heard my mistress tell him that.

Q. What said you to him?

A. I told him he was a blackguard; I dont know whether he got hold of me or not, but my mistress put her hand upon my mouth, and took me into the shop.

Q. Was you certain it was Sir Matthew?

A. I have no doubt at all of it, Sir,

CROSS EXAMINATION.

Mr LAW.—Q. You had never seen Sir Matthew at your master's house before this time you mention, when he kissed your mistress's breast or neck?

A. No.

A. No, Sir; I have seen him, but never there.

Q. Do you happen to know there was some little mob about the door, that a charity had been distributed at the Exchange, and he retired into your masters shop to get out of the way?

A. He said so, I know no more.

Q. Dont you know there was a number of people there?

A. There was some poor women followed him up the stairs.

Q. When he came up stairs, he offered tickets for the the play to your mistress?

A. Yes, Sir.

Q. She refused them?

A. Yes, Sir.

Q. Did it not occur to you, that he must be coming about something rather more immediately connected with your mistress, when you saw him come so late at night?

No Answer.

Q. I ask you when you saw him on the Sunday night, having observed him before kiss your mistress's breasts, did you not imagine what he might be coming about?

A. No, Sir, I did not.

Q. Then it did not strike you at all?

A. I thought it was a very improper thing, but I thought he was come to see my master.

Q. You

Q. You say they were upon the landing-place?

A. Yes, Sir.

Q. Was that light?

A. Yes, Sir.

Q. Was that the only part in the house that was light?

A. There is a public house opposite that throws a light upon the stairs.

Q. Did it not strike you as being an improper place, in sight of every body?

A. He could not go any further for my mistress was expecting my master in, we can see from the top of the stairs to the bottom.

Q. Now was not there some bed rooms there?

A. No, Sir.

Q. Upon your oath, how far is there a bed-room from where you say you saw them?

A. About ten steps.

Q. Was there one bed-room, or more than one?

A. There was several bed-rooms—there was five bed rooms.

Q. No body was in any of those rooms then?

A. No, Sir.

Q. But Sir Matthew laid himself down, and was criminally connected with your mistress upon the landing-place?

A. Yes,

A. Yes, Sir.

Q. You saw all that was done from beginning to end—now I ask you, why seeing them, you did not interrupt them?

A. I could not interrupt them for shame.

Q. Why did not you interrupt them, or give them notice you saw them?

A. I could not for shame—I could not

Q. It perfectly stupified you?

A. It did at first, because I did not think it in my mistress.

Q. How long did you stay there?

A. I staid about a quarter of an hour.

Q. You staid looking at them a quarter of an hour?

A. No, Sir, I did not, I was three steps off them.

Q. Now, in God's name, if you saw them at all, why did you not speak—do you think they would have done it in your presence?

A. I could not speak.

Q. If it was so light you could see them, could not they see you?

A. They could not see me, they did not see me.

Q. How could they not see you—how was you covered?

A. I have told my story, and if you do not chuse to believe it, I shall tell you no more about it.

Q. I shall have an answer—It being light, why

why could not they see you as well as you see them?

A. I did not ask them whether they saw me.

Q. I ask you whether they could not see you, you being but three steps off, and why you did not speak to them?

A. I could not, for shame, speak to them.

Q. Could they not see you?

A. They was laying, and I was standing.

Q. Did I not once see you as a witness at the trial of a boy for a burglary in Mr Brumwell's house at Newcastle?

A. Very likely—I cannot say.

Q. Was not he tried for his life, and I the counsel that examined you?

A. I was a witness.

Q. Now, I ask you if that young man was of the name of Patterson?

A. Yes, it was.

Q. He was your next door neighbour?

A. Yes, Sir.

Q. Then you did not know his face?

A. No, I did not.

Q. Did he not ask you to lend him a candle, and you told him he might go out as he came in?

A. No, Sir.

Q. Did you not afterwards admit you knew him very well?

A. I remember him coming in.

Q. He

Q. He was fellow apprentice with Lisle we have heard, of was not he?

A. I know nothing about Lisle, I never saw him.

Q. You have heard he was his fellow apprentice?

A. He might.

Q. Did you not know he was a next door neighbour of yours?

A. Not at that time.

Q. You was produced as a witness by your master!

A. Yes, Sir.

Q. Had you told your master a word about his asking for a candle till he called you as a witness?

A. How should you have known it if I had not told you.

Q. When did you first of all tell this story to your master?—I am speaking of the discovery on the stair case, when you found them in the act of adultery, you mean that dont you?

A Yes, Sir.

Q. When did you tell this fact, this having happened the first of Jan. 1792.

A. I told my master, I cannot say positively when I told him, I think it is about 4 or 5 months ago.

Q. April, that would be you know. Now did not your master live on with your mistress

tress down to August without a murmur?

A. My master must live with her when he did not know it; I did not tell, till after my mistress went away.

Q. Then you did not tell till above 8 months ago?

A. I did not tell till a fortnight after she went away.

Q. Was it winter or summer when she went away.

A. After Lammas.

Q. What was the occasion of your telling your master?

A. Because when my mistress came back again, I was afraid Sir Matthew would come again.

Q. Having such a terror, why did not you tell your master before.—I ask you why you did not tell your master instantly?

A. For the reason of my not having to come here.

Q. Did not that reason operate equally against your telling him in August?

A. I did not tell at first, because that was the reason.

Q. Now I ask you how that was removed, when you did tell in August, and what difference there was; was that the only reason?

A. Because my mistress said she should hurt herself.

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Q. Was

Q. Was she not as likely to hurt herself in August.

A. She told me if ever I did tell my master she would poison herself.

Q. Then you was only hurt for fear she should poison herself directly, it would give you no pain if she did it at a distance?

A. Yes, it would Sir.

Q. What put you in such good humour with your master as to tell him. You had a little difference with your master about some mourning, had not you?

A. Yes, Sir.

Q. Then you told him of it to teaze him?

A. Yes, Sir, I told him he was to take care of my mistress, because I was going away.

Q. Was that out of kindness to your mistress?

A. Out of kindness to my mistress.

Q. Then you had no kindness to your master---none that sprung up while your mistress was away?

A. I had my mistresses sister there.

Q. Did you tell her first?

A. No I told my master.

Q. And this was from kindness to your mistress?

A. Yes.

Q. Was

Q. Was it that your mistress should or not poison herself?

A. In order that she should not.

Q. Why did not you tell the second time after being so shocked the first. Why did not you say, I have endured more than flesh and blood can bear, I will tell my master?

A. So I did, Sir.

Q. Did you tell Sir Matthew so?

A. Not at that time.

Q. Why did not you tell her so before he went?

A. I could not speak to my mistress before Sir Matthew.

Q. You called him a blackguard you know

A. That was in the street.

Q. Then you had a great respect for Sir Matthew in the house but not in the street?

A. No, Sir.

Q. What was the reason why you did not tell your Mistress you would discover every thing to her husband?

A. I did, Sir.

Q. Why did not you tell your master after the first time?

A. Because I did not want to make a difference between my master and mistress.

Q. What occasioned your staying, was not you going away?

A. I was

A. I was not going away.

Q. You told us you was going away, was you or not?

A. I told you I was going away from my master, but my mistress's sister wished me to stay.

Q. Your difference was about some mourning, was it not?

A. Yes, Sir.

Q. How came that settled?

A. My mistress's sister wished me to come back again.

MR GARROW.—Q. Will you attend to one or two questions.—Your master's sister had a difference with you, as I understand you?

A. Yes, Sir.

Q. And she wished you to stay afterwards?

A. Yes, Sir.

Q. Then you say, you told him to take care of his wife, because you were going away?

A. Yes, Sir.

Q. You told us she had threatened to poison herself?

A. Yes, Sir.

Q. Did she ever shew any thing?

A. She did, she shewed me a bottle that she said was full of poison, which she would use if I told.

Q. Is the account that you have been giving all true?

A. It is, Sir.

Mr Law

Mr LAW, — (*For Defendant.*)

GENTLEMEN,

I have very great satisfaction, that upon a subject of this sort, I am addressing a Jury of the City of London—I am addressing gentlemen, who are intelligent, and acquainted with the ordinary concerns of life, and practically acquainted with the degree of credit due to witnesses from the manner in which they relate their story, and the observations that arise out of the story so related. I am addressing gentlemen who will not let a stigma fall upon the character of a gentlemen of fortune and honour, by evidence of that sort, that has been given to-day, and which, from the contradiction and prevarication of the witness, it is almost impossible any man can believe;—unconfirmed as she is, by any one witness whatsoever, and contradicted by this circumstance, of all others the most strong, that she stood by, herself to be the witness of the commission of a crime, which, if she had had common virtue or decency, or if she had any portion of regard to her Master or Mistress, she should have prevented, and at that rate would have prevented the possibility of renewing the attempt, namely, by threatening to do that which every person ought to have done, to disclose all she had seen. What did she do? She stands within three steps of them, within the hearing of her breath almost, and within the reach of those persons, who were engaged as she has described.—Gentlemen, is it probable, and I might almost say, is it possible, any person wishing secrecy, should take that part of the house to commit an act of that sort, which was alone enlightened, as she says,

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She says this place was within ten steps of a bedroom, convenient for the execution of their purpose. Now is it likely, they should select the stair case? Are you to conceive people who have a common sense of their secrecy and security, would have selected such a time and place for the commission of that crime, when, if they had not been perfectly besotted with their situation, they must have had that precaution, which I presume every body has, to see nobody is listening; but, by her own account, this woman was in a situation to see them, and to have prevented them, if she had thought proper.

Gentlemen, I will just state to you, what I conceive this case to be, and it is the more singular, as it has no circumstances in common with other cases, but is without all the circumstances that usually accompany cases of this kind—upon their own account how does it appear? My learned friend surrenders her up to you as an obvious solicitous Wanton, that Sir Matthew White Ridley had never seen this woman, that he was driven into the house by a crowd, and that without any previous view of her, he comes into the room where she is, and having a couple of tickets about him, he offered them to her. Is it possible to conceive (supposing that this part of the story is proved) that any person upon the first sight, would have gone the length of removing her handkerchief, unless her character had been, that she was a woman with whom such a liberty might be taken; supposing that to have taken place, you have no proof of any letters, importunities, or solicitations being made to her, to suit her to the purpose,

purpose, but the very next time we hear of them, we find the Defendant in the house, in the grossest manner taking the last liberty that can be taken with a woman, and in the most indecent situation. — If you believe that, you must believe her to be as abandoned a prostitute, as walks the streets, except for hire, for it does not appear she received money. You find her in this situation in her own house, upon the stairs, where, by the account given, any persons standing opposite, must have overlooked them. Is it possible; I do say, it is not in the nature of things, that she should do that, for be she ever so abandoned a creature, it is not likely a person with the habits of a gentleman, would have chosen most, the place in the possible gaze of every body, possibly within the view of her husband upon the stairs, instead of retiring to a bed chamber, which was so near, where it might have been consummated.

Where you have nothing but the evidence of one witness, swearing peremptorily and positively to a fact, you have no means of judging, but by connecting that fact with acts in the ordinary intercourse and habits of mankind. But if this be probable, what does it establish? It establishes, this woman is not a woman whose affection can be considered as a subject of loss. She could have no affection, delicacy, or passions, necessary for domestic happiness. Her husband held no portion of her regard, for she could not have that which could be valuable to a man, and her sentiments must be corrupted, before she could have descended to such an act. So much then for all injury the husband could sustain, but what is the

character of this lady, as it is admitted by my learned friend, and he never surrenders the character of his client in any degree, unless he thinks he shall get something by his concession. He gives her to you, as a woman at one time, of very questionable conduct, but says he, her husband had enquired, and had been satisfied it was without foundation. My learned friend's witness says, he had not actual demonstration it was true; I say he had evidence that would have satisfied any reasonable man, that she was highly criminal, and therefore he could not live with her, for she had actually eloped from his house, and it appears the brother was supposed to have assisted her in that elopement, for after a very short time, the brother disappeared. Now, would a man of any feelings, or a gentleman of honour have taken her to his bed, or exhibited her to the world as his wife, who had a proof short of demonstration?—I say no man of delicacy or honour would have so conducted himself.

Gentlemen, there is another circumstance I have mentioned, and you have heard about Mr Little, but as I do not think it necessary, I shall not say any thing upon that; and it would be really wasting your time, and I think a degree of affront, after the sort of witness you have heard, to offer you other witnesses, to throw further discredit and infamy upon the cause. This woman is a woman whose character will suffer no injury, and I am sure the addition of eight or ten more witnesses would not encrease those sentiments you must have in your minds.—Gentlemen, there is this further circumstance upon her discredit. When
does

does the servant relate her story? If she had a mind to behave with duty to her master, she would have done it when it was recent in her memory. It might have been said she did not know what would have been the consequence, but she has told you she knew very well—that she thought she should be obliged to come here, and that she knew it would enable the husband to divorce from him his wife; but the fact is, she did not chuse to disclose it, but let the wife go on, till the witness was upon the point of leaving the family, and then she tells it.—I put it to her, and she then tells me, her mistress had told her she would poison herself if she told, and that that was the reason of her secrecy; notwithstanding that, although she had kept it so long, without any motives or inducement whatever, having no reason to think her mistress would less poison herself at one time than another, she discloses it, as she first tells, at the distance of 4 months, and as she afterwards says, 8 months. Which seems to me a degree not of infirmity of memory, but of prevarication. She says she goes and tells her master, when he was about to part with her upon some difference she had about some mourning. Is it natural she should tell him forsooth she was going, and she would no longer watch his wife to prevent her committing adultery, therefore he might prevent it?—Gentlemen, you cannot, with a view to the safety of mankind, and to safety of gentlemen of property, believe such stories as these. They ought to bring credible witnesses, and you will not believe a woman who locked up a secret of this sort in her breast, who had for her object the pre-

preservation of her master's honor and her mistress's virtue, and who neglected making that discovery which would have preserved both. I therefore, gentlemen, cannot conceive but you will be doing what is the best, with a view to all persons, if you dismiss this cause. It is a hard thing upon the defendant, who is a man, surrounded as he is by domestic relations—living in the happiest intercourse with his family—the father of 8 or 9 children, that he should be liable to heavy penalties, upon such questionable evidence.—If you should go the length of believing any part of her tale, it establishes this fact, that her mistress is a licentious, wanton courtesan (whether she does it for money or not I don't know), contaminated with the universal report of the town in which she lives; and if you should be inclined to give damages at all, I don't know what coin the land furnishes, small enough, for you to give upon this occasion.

LORD KENYON.

GENTLEMEN OF THE JURY,

Two questions arise out of this case; first, Whether the adultery is made out in point of fact; and second, What is the damages you will give?

The facts of the case depend entirely upon the evidence of Eleanor Swinney; she is brought here, not contradicted by any other witness, nor are any other witnesses called to corroborate her testimony. If you find she has prevaricated in her story, undoubtedly that will take away from the credit you will give. If, on the other hand, after the long examination, and very long (I will not say teasing, but very long) cross-examination she has

has gone through, you think the fact proved, then the other question is what damages you will give.

I think within less than three weeks, this is the fifth or sixth cause I have tried of this nature, and in the course of those trials, cases have arisen which I think called for the marked judgment of the jury; one of them was, where a beautiful young lady had been led down to the commission of the act, when left under the protection of her own uncle, and had first her mind seduced by wanton books and prints being laid in her way, in order to debauch her. In that case the Jury found themselves called upon (and if they had not looked upon it as an aggravated case, they would have done wrong, and I heartily concurred with them), and they adapted the damages they gave to the feelings of the husband.

Another case went to the opposite extreme. It appeared the husband had himself all but solicited the commission of the crime; he had seen the wife make use of that conduct which no man would see his wife use, without taking notice of it. I advised the Jury in that case, and they condescended to take my advice, that such a husband was not entitled to come into a Court of Justice to expect damages, for an injury which he had connived at.

Between these two extremes, there is another set of cases, where the party that is accused has not used the arts of seduction, but met with a woman with a mind debauched before she came to him. In those cases nothing is imputable to the husband, but a great deal goes to the Jury to consider.

Gentlemen, it is for you to judge upon the evidence, and the main evidence to which you will

will refer, is the only evidence which affects that question, namely, the evidence of Mr Wilson, the third witness. He tells you he lives near the Plaintiff and his wife, that they visited, and that they appeared to live happily together. That some reports had reached Mr Brumwell's ears, as to the character of his wife's character, that he took pains to investigate the truth, and that he, the witness, assisted, but found them groundless. Upon his cross examination, he tells you, that sometime ago she went away from her husband, and went to Durham, that the Plaintiff told him, he had heard, his own brother had assisted her to go off. You will observe, this was before the transaction which is the occasion of the present action, and he says the Plaintiff told him, he could not find any thing which amounted to demonstration of the truth of his brother's going off with her.

Your judgment will a great way proceed upon the situation in which you think this leaves the character of the wife. There is nothing suggested as to arts being used, in order to seduce her, or that he came there from time to time.

The damages you will give are so peculiarly your province, I cannot hint to you any length you should go as to them, the different facts which aggravate one case, do not aggravate the other, you are to judge of the facts, and to consider upon the different circumstances of the case, and you will give your verdict accordingly.

The Jury retired for half an hour, and brought in a verdict for the Plaintiff, damages 400l.—Costs 40 Shillings.

THE JURY retired for half an hour, and brought in a verdict for the Plaintiff, damages 400l.—Costs 40 Shillings.

EDWARD S.

Ex. J. M.

11/30/03